

REMARKS

Introduction

Claims 1 - 19 were originally pending in this application. Claims 1, 6, and 9 were previously amended, and claims 3 - 5 and 11 were previously cancelled. Claims 1, 2, 6 – 10, and 12 – 19 have been rejected. By way of this amendment, claims 1 and 8 have been amended, and claim 7 has been cancelled. Thus, claims 1 – 2, 6, 8 – 10, and 12 – 19 remain pending for consideration in the application. No new matter has been added.

Claim Rejections

35 U.S.C. §103(a)

Claims 1, 2, 6 - 10, 12 - 15, and 17 - 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hansen '586 patent in view of the Kuntz '880 patent. More specifically, the Examiner stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Hansen to include a spring-biased dowel mount as taught by Kuntz since such a structure is a conventional alternative structure used for the same intended purpose, thereby providing structure as claimed. Also, the Examiner stated that the structure of the Hansen device can both be cantilevered-supported and supported by a leg structure as a structure is entitled to all of its uses. Furthermore, the examiner has given judicial notice that use of clips and a recess for structures in trays is well-known and commercially used.

In addition, claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hansen '586 patent in view of the Kuntz '880 patent as applied to the claims above and further in view of the Sammons '202 patent. More specifically, the Examiner stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the

invention of Hansen to include a peripheral edge as taught by Sammons since such a structure is a conventional structure used for the same intended purpose, thereby providing structure as claimed.

Independent claim 1 has been amended to include limitations formerly set forth in claim 7. Claim 7 has been cancelled. In view of this amendment, the applicants cannot agree that the invention defined in amended claim 1 would have been obvious over the Hansen '586 patent in view of the Kuntz '880 patent. Claim 8 has been amended to change the claim number from which it depends. Each of claims 2, 6, 8 - 10, 12 - 15, and 17 - 19 is ultimately dependent upon independent claim 1. Accordingly, these rejections are respectfully traversed.

The Prior Art

The Hansen '586 Patent

The Hansen '586 patent discloses a portable desk 10 for hanging from the rear portion 56 of a seat back 54. The desk 10 includes a table board 12 having substantially planar upper and lower surfaces 14, 16, a top portion 22, and a bottom portion 24. Each of a pair of mounting brackets 28, 30 has a mounting portion 32, 36 securable to the lower surface 16 of the table board 12 and an attachment portion 34, 38 extending beyond the top portion 22 of the table board 12. The attachment portion 34, 38 includes a connection member 40, 42 for releasable attachment to a top 58 of the seat back 54. Support members 46, 48 extend from the lower surface 16 of the table board 12 for bracing the table board 12 against the rear portion 56 of the seat back 54 to define an operational angle of the desk 10 relative to the seat back 54. Finally, a support ledge 26 is disposed along the upper surface 14 of the table board 12 near the bottom portion 24 to provide a brace for materials placed on the upper surface 14 of the table board 12 during use of the desk 10.

In operation, the attachment portions 34, 38 of the respective mounting brackets 28, 30 are placed underneath the top 58 of the seat back 54 so as to engage the corresponding connection members 40, 42 with the top 58. Thus, the top 58 seats in juncture 60, which is defined between the connection members 40, 42 and their respective attachment portions 34, 38. Once this engagement has been accomplished, the table board 12 is allowed to fall and rotate about the juncture 60.

However, the Hansen '586 patent does not disclose or suggest a portable tray for a vehicle interior including a body and a support mechanism. More specifically, this patent fails to disclose or suggest a support mechanism including a spring-biased dowel extending substantially along a longitudinal edge of the body and adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle to apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body can be operatively supported to the interior of the vehicle in cantilevered and stationary fashion. Furthermore, the Hansen '586 patent fails to disclose or suggest that the body also includes at least one leg extending from the body and adapted to be supported against at least one structural component of the interior of the vehicle such that the tray can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

The Kuntz '880 Patent

The Kuntz '880 patent discloses a tissue-roll mounting bracket 43, a roll of toilet tissue 24, and a toilet-tissue mounting roll 50. The mounting roll 50 includes a left side 22 having an outer portion 39 of reduced diameter and a right side 23 having an outer portion 40 of reduced diameter. The mounting bracket 43 has a left-side portion 41 and a right-side portion 42. The outer portion 40

of the right side 23 of the mounting roll 50 has an outwardly-biased right stub portion 44, and the outer portion 39 of the left side 22 of the mounting roll 50 has an outwardly-biased left stub portion 45. Partial opening 48 in the right-side portion 42 of the mounting bracket 43 allows for reception of the right stub portion 44 in the right-side portion 42 of the mounting bracket 43 whereas partial opening 49 of the left-side portion 41 of the mounting bracket 43 allows for reception of the left stub portion 45 in the left-side portion 41 of the mounting bracket 43.

However, the Kuntz '880 patent does not disclose or suggest a portable tray for a vehicle interior including a support mechanism adapted to removably support a body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. More specifically, this patent fails to disclose or suggest a support mechanism including a spring-biased dowel extending substantially along a longitudinal edge of the body and adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle to apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body can be operatively supported to the interior of the vehicle in cantilevered and stationary fashion. Furthermore, the Kuntz '880 patent fails to disclose or suggest that the body also includes at least one leg extending from the body and adapted to be supported against at least one structural component of the interior of the vehicle such that the tray can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

The Sammons '202 Patent

The Sammons '202 patent discloses a serving tray adapted to be secured to a dashboard of an automobile and swung outwardly when it is desired to use the tray and about a pivot to be positioned behind or forwardly of the dashboard when the tray is not in use. The tray includes a body portion 1 formed with an upstanding flange 2 surrounding the body portion 1. A pair of spaced combined-bearing-and-hinge members 3, 4 are integrally formed with the body portion 1 and located on one side and adjacent opposite ends of the tray. Locking means are formed in the combined-bearing-and-hinge member 3, 4 for supporting the tray in an extended position when the tray is in use and for locking the tray in a retracted or hidden position when the tray is not in use.

However, the Sammons '202 patent does not disclose or suggest a portable tray for a vehicle interior including a support mechanism adapted to removably support a body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. More specifically, this patent fails to disclose or suggest a support mechanism including a spring-biased dowel extending substantially along a longitudinal edge of the body and adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle to apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body can be operatively supported to the interior of the vehicle in cantilevered and stationary fashion. Furthermore, the Sammons '202 patent fails to disclose or suggest that the body also includes at least one leg extending from the body and adapted to be supported against at least one structural component of the interior of the vehicle such that the tray can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

The Present Invention

In contrast to the references of record in this case, the present invention as described in amended independent claim 1 is directed toward a portable tray for use at multiple locations of the interior of a vehicle. The tray includes a body adapted to be operatively supported to the interior of the vehicle and defines at least one substantially planar work surface. A support mechanism is connected to the body and adapted to removably support the body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. The support mechanism includes a spring-biased dowel extending substantially along a longitudinal edge of the body and adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle to apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body can be operatively supported to the interior of the vehicle in cantilevered and stationary fashion. The body also includes at least one leg extending from the body and adapted to be supported against at least one structural component of the interior of the vehicle such that the tray can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

Argument

35 U.S.C. § 103(a)

The Examiner asserts that the Hansen '586 patent discloses the invention as claimed in claim 1 of the present application, except for the mounting structure of the Hansen invention not being a spring-biased dowel, and that the Kuntz '880 patent discloses use of an outwardly extending spring-

biased dowel to provide for a mount. The Examiner also asserts that it would have been obvious to one of ordinary skill in the art at the time the present invention was made to modify the invention of Hansen to include a spring-biased-dowel mount as taught by Kuntz since such a structure is a conventional alternative structure used for the same intended purpose, thereby providing structure as claimed.

However, in the context of a rejection under § 103, the combination of references cannot render the prior art unsatisfactory or inoperable for its intended purpose or change the principle of operation of the primary reference. More specifically, if a proposed modification would render the prior-art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP § 2143.01. Also, if the proposed modification or combination of the prior art would change the principle of operation of the prior-art invention being modified, then the teachings of the respective references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959); MPEP § 2143.01.

Here, the Hansen desk 10 relates particularly to a portable desk for **hanging from the rear portion of a seat back**. One object of the Hansen desk 10 is **to provide a portable desk adapted for hanging from the top edge of a seat back**, and another object is **to provide a portable desk that may be attached to the seat handles typically found on seats in buses and commuter railroad cars** (column 1; lines 58 – 60, 64 – 67). In fact, the “hanging” feature of the Hansen desk 10 is mentioned no fewer than 9 times in the disclosure of the Hansen ‘586 patent. Thus, an intended purpose of the Hansen desk 10 is **to provide a portable desk for hanging from the top edge of a seat back**. To hang the Hansen desk 10, it is necessary to place the attachment portions 34, 38 underneath the top 58 of the seat back 54 so as to engage the corresponding connection

members 40, 42 with the top 58. Thus, the top 58 seats in the juncture 60. Once this engagement has been accomplished, the table board 12 is allowed to fall and rotate about the juncture 60 (column 3; lines 60 - 67). Therefore, the principle of operation is only **to place the attachment portions 34, 38 underneath the top 58 of the seat back 54 so as to engage the corresponding connection members 40, 42 with the top 58 such that the table board 12 is allowed to fall and rotate about the juncture 60.**

However, if the Hansen desk 10 were modified to include the Kuntz “spring-biased dowel” (combination of the outwardly-biased right and left stub portions 44, 45, respectively) to insure that the Hansen desk 10 could be operatively supported to the interior of the vehicle in cantilevered and stationary fashion, then the Hansen desk 10 would be inoperable for its intended purpose because the desk 10 would no longer be “hangable.” In particular, placement of the “spring-biased dowel” 44, 45 underneath the top 58 of the seat back 54 so as to engage the “spring-biased dowel” 44, 45 with the top 58 would render falling and rotation of the table board 12 about the juncture 60 unsatisfactory or inoperable.

Also, since the spring-biased dowel of the present invention extends substantially along a longitudinal edge of the body, for the combination of the Hansen desk 10 and Kuntz “spring-biased dowel” 44, 45 to result in the portable tray for a vehicle interior of the type described in amended independent claim 1, the mounting brackets 28, 30 of the Hansen desk 10 would have to be eliminated. Otherwise, presence of the mounting brackets 28, 30 would at least substantially limit the number of locations where the Hansen desk 10 could be supported to the pair of spaced structural components of the interior of the vehicle or possibly even prevent any such support. More specifically, if the length of the longer mounting bracket 28, 30 were any longer than the shortest distance between the imaginary line defined between the pair of spaced structural components and

the object of the interior of the vehicle located closest forward of this line, then the Hansen desk 10 could not be supported there.

Furthermore, it is respectfully submitted that modifying the Hansen desk 10 to include the Kuntz “spring-biased dowel” 44, 45 does not result in the portable tray for a vehicle interior of the type described in amended independent claim 1. Simply put, neither the Hansen nor Kuntz device includes at least one leg extending from the device and adapted to be supported against at least one structural component of the interior of the vehicle such that the device can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

As can be easily seen, then, modifying the Hansen desk 10 to include the Kuntz “spring-biased dowel” 44, 45 does not result in the portable tray for a vehicle interior of the type described in amended independent claim 1. The suggested combination of the respective teachings of the Hansen ‘586 and Kuntz ‘880 patents would require a substantial reconstruction and redesign of the elements shown in the Hansen desk 10 as well as a change in the basic principle under which construction of the Hansen desk 10 was designed to operate. More specifically, the suggested combination would render the Hansen desk 10 unsatisfactory or inoperable for providing a portable desk for hanging from the top edge of a seat back. To provide such a desk, the claimed combination would require other than merely including a spring-biased dowel with the desk 10. In fact, to obtain such result, a combination of the Hansen and Kuntz devices would require that at least the mounting brackets 28, 30 of the Hansen desk 10 would have to be eliminated. Moreover, the Hansen or Kuntz device would have to include at least one leg extending from the device and adapted to be supported against at least one structural component of the interior of the vehicle such that the device can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

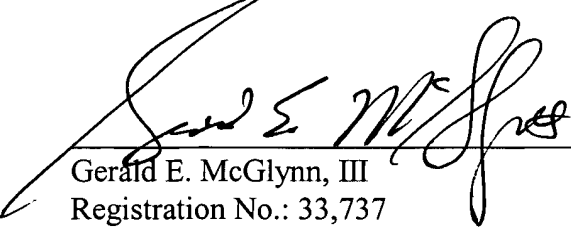
The deficiencies in the teachings of the combination of the Hansen '586 and Kuntz '880 patents are not overcome in the disclosure of the Sammons '202 patent. Thus, none of the references, alone or in combination with either or both of the other references, discloses or suggests the portable tray for a vehicle interior described in amended claim 1.

The applicants respectfully submit that independent claim 1, as amended, recites structure that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of the references of record in this case. Claims 2, 6 – 10, and 12 – 19 are all ultimately dependent upon amended independent claim 1 and add further perfecting limitations thereto. As such, the prior-art references, in combination with each other or each reference standing alone, do not suggest the subject invention as defined in these claims. However, even if they did, they could only be applied through hindsight after restructuring the disclosures of the prior art in view of the applicants' invention. A combination of the prior art to derive the applicants' invention would, in and of itself, be an invention.

Conclusion

In view of the above, the applicants respectfully submit that the claims, as amended, clearly distinguish over the prior art and are, therefore, allowable. Accordingly, the applicants respectfully solicit allowance of the claims pending in this case.

Respectfully submitted,



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